



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

SUGHRUE, MION, ZINN,  
MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington DC 20037

**COPY MAILED**

**MAR 17 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Inoue et al. :  
Application No. 09/874,314 :  
Filed: June 6, 2001 : DECISION ON  
Attorney Docket Number: :  
Q64575 :

This is a decision in response to the Petition for Withdrawal of Holding of Abandonment Under 37 C.F.R. § 1.181, filed December 19, 2005, to withdraw the holding of abandonment in the above-identified application.

This Petition is dismissed.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned as a result of a Decision by the Board of Patent Appeals and Interferences ("the Board"), mailed September 29, 2005. No claims were allowed, and the period for seeking court review of the Decision expired on November 30, 2005. (Emphasis supplied).

Applicant files the instant petition and asserts that a response to the Decision to wit - a Request for Continued Examination and an Amendment, were timely filed on November 29, 2005.

A review of the application file reveals that there were only two (2) claims pending in the application, and both claims were rejected by the Examiner. Both claims were subsequently upheld on appeal by the Board. As such, no claims were allowed.

As provided in the MPEP § 1214.06 (I) (Rev. 2 August 2005), when no claims stand allowed, "the proceedings in an application or ex parte reexamination proceeding are terminated as of the date of the expiration of the time for filing court action. The application is no longer considered as pending. It is to be stamped abandoned and sent to abandoned files."

Applicant is advised that there is no option to file an RCE in response to the Board's decision where no claims stand allowed. The application is abandoned and must be revived in order to continue examination.

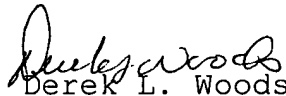
Further correspondence with respect to this matter should be addressed as follows:

By mail:           Commissioner for Patents  
                    PO Box 1450  
                    Alexandria, VA 22313-1450

By FAX:           (571) 273-8300  
                    Attn: Office of Petitions

By hand:           Customer Service Window  
                    Randolph Building  
                    401 Dulany Street  
                    Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods

Attorney  
Office of Petitions